

PATENT
147-191P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: KWART, Marion et al
Int'l. Appl. No.: PCT/EP98/04878
Appl. No.: 09/485,187 Group:
Filed: February 7, 2000 Examiner:
For: PROCESSES FOR INCREASING THE YIELD
IN PLANTS

**LETTER REQUESTING THAT RESPONSE PERIOD BE RESTARTED
DUE TO DELAY IN RECEIPT OF USPTO COMMUNICATION****BOX PCT**Assistant Commissioner for Patents
Washington, DC 20231

May 30, 2000

Sir:

It is hereby requested that the one month time period for responding to the Notification of Missing Requirements be restarted as of May 3, 2000 because of a significant delay in receipt of the Notification by the offices of the undersigned.

The USPTO issued a Notification of Missing Requirements dated March 22, 2000. But that Notification was not received in the offices of the undersigned until May 4, 2000. This long delay in the receipt of the Notification was apparently due to the initial mailing of the Notification being returned to the USPTO for lack of sufficient postage. The Notification was then subsequently remailed on May 3, 2000, so as to be received in the offices of the undersigned on the next day, May 4, 2000.

The Notification of Missing Requirements sets a one month period for

Serial No. 09/485,187

responding to the Notification. But all of that one month time period, and additional eleven days, was consumed entirely by a delay on the USPTO in properly mailing the notification.

To evidence the above facts, attached is a duplex copy of the Notification of Missing Requirements showing on the back side thereof the date stamp for receipt of the document in the offices of the undersigned, together with a copy of the envelope which enclosed the Notification showing the U.S. Postal Service Stamp of "Return for Postage" and the subsequent new mail day of May 03, 2000 from the USPTO.

In view of the above, it is requested that the time period for responding to the Notification of Missing Requirements be restarted, and specifically that the time period be restarted as of May 3, 2000, the actual proper mail date of the Notification by the USPTO.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope for Commissioner of Patents and Trademarks, Washington

D.C. 20231 on: May 31, 2000
(Date of deposit)

BIRCH, STEWART, KOLASCH & BIRCH, LLP
For M. Jellma
(Signature)

May 31, 2000
(Date of Signature)
LRS/mt
147-191P

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

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